

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40038 of 2021**

Arising Out of PS. Case No.-254 Year-2018 Thana- CHANDAUTI District- Gaya

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Babiy Thakur W/O Trishuldhari Thakur President -cum-Block Pramukh of
Town Block, Gaya, Resident of Village - Gopi Bigha, P.S, Magadh Medical,
District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar through The Cabinet, Vigilance Bureau, Govt. of Bihar,
Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Durgesh Nandan, Advocate.

For the Vigilance Bureau : Mr. Arvind Kumar, Advocate.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 07-06-2022 Heard Mr. Durgesh Nandan, learned counsel for the
petitioner and Mr. Arvind Kuamr, learned counsel for the
Vigilance Bureau.

Learned counsel for the petitioner is permitted to
remove defect(s), as pointed out by the office, if any, within a
period of four weeks from today.

The petitioner apprehends her arrest in connection
with Chandauti P. S. Case No. 254 of 2018 registered for the



offences punishable under Sections 420, 467, 468, 471 & 120(B) of the Indian Penal Code.

As per the prosecution case, in sum and substances. it is alleged that the petitioner who was the Chairperson of the Appointing Committee has put her signature on the merit list prepared by the Secretary-cum-Prakhand Vikas Padadikhari, namely, Sri Shankar Ji Singh and Prakhand Education Officer, Sri Uma Shankar Singh without verification of the same due to which undeserved persons were appointed on the post of Prakhand as well as Panchayat Teacher.

At the outset, learned counsel for the petitioner submits at the bar, on the instruction of his client, that as per his information till date the process under Sections 82/83 of the Cr.P.C. have not been issued.

Learned counsel appearing on behalf of the petitioner submits that admittedly pursuant to the direction of this Hon'ble Court an inquiry was conducted in the matter of appointment of Panchayat/Prakhand Teacher, however, the petitioner being Pramukh of the Block was ex-officio Chairperson of the Appointment Committee. The merit list was to be prepared by the Secretary-cum-Prakhand Vikas Padadikhari and Prakhand Education Officer and on being duly prepared by them the



petitioner put her signature on the merit list except that there is no allegation against this petitioner. It is further submitted that even during the course of investigation no material has come which suggests the complicity of this petitioner along with the other beneficiaries, who have been, later on, appointed. It is also submitted that it is not a case of prosecution that the petitioner has been found indulged in preparation of any fraudulent paper/merit list. It is next submitted that other co-accused persons including one Gopal Sharan Chaudhary, who was also the Chairperson of the Appointing Committee, having similar allegation has been granted bail by co-ordinate Bench of this Hon'ble Court in Cr. Misc. No. 30975 of 2020 vide order dated 22.01.2021. It is lastly submitted that even as per allegation at best it is an act of negligence further the petitioner has got no criminal antecedent and there is no allegation of tampering of evidence and intimidating the witnesses.

On the other hand, learned counsel appearing on behalf of the Vigilance Bureau filed a counter affidavit on behalf of the Vigilance Bureau and submits that the petitioner has failed to verify the merit list prepared by other authorities which resulted into appointment of undeserving candidates and due to which prejudice has been caused to genuine deserving



candidates, apart from the fact of defalcation of the huge government money, which spent on undeserving appointed candidates.

Having considered the submissions made on behalf of the parties and taking into account the allegations and the materials brought on record that the merit list has been prepared jointly by Secretary-cum-Prakhand Vikas Padadikhari and Prakhand Education Officer and there is no material which suggests the complicity of this petitioner along with the beneficiaries, who have been illegally appointed by the Appointment Committee and this petitioner has no criminal antecedent and ready to give undertaking that she will co-operate in the investigation, let the petitioner, above named, be released on bail, in the event of her arrest or surrender before the Court below within a period of eight weeks from today, on furnishing bail bonds of Rs. 25,000/ (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya in connection with Chandauti P. S. Case No. 254 of 2018, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure with following conditions:-

- (i) One of the bailors should be the close relative of



the petitioner.

- (ii) The petitioner will co-operate in the investigation as well as in conclusion of the trial.
- (iii) She will not try to tamper with the evidence or intimidate the witnesses in course of investigation or during the course of trial.

(Harish Kumar, J.)

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